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COMMISSIONER

TO: Special Education Supervisors
Assessment Personnel

FROM:  Joseph E. Fisher, Assistant Commissioner of Special Education

DATE: September 14, 2004

RE: Eligibility Date for IEP Teams

This memorandum is to provide you information of a change regarding the determination of the Eligibility Date and the required triennial reevaluation date for students with disabilities. As the Department of Education moves into the Statewide Student Management System (SSMS), and the EasyIEP® integrates into this system; there have been new questions to surface regarding the Eligibility Date that is to be used when determining students eligible for special education services. The Eligibility Date is the date (1) the IEP Team determines that the student meets both the standards set forth for the identified disability and (2) the IEP Team determines the student needs special education services. For initial eligibility this date would be within 40 school days from the school's receipt of the parents' signature on the *Notice and Consent for Initial Assessment*. The date for Reevaluation should be no later than three years from the date initial eligibility was determined by the IEP Team.

Note: If IEP Teams are using the date of the primary instrument or certifying document to determine that date (i.e., intelligence test date or physician's letter date), they are already in compliance with the three-year reevaluation requirement.

Reevaluations are due at least three years from the initial Eligibility Date (or sooner if requested by a member of the IEP Team). All Reevaluations should begin with the review process and finish with the IEP Team's review of all the information gathered through that process. Detailed instructions for completing a Reevaluation Review and the *State Reevaluation Summary Report* can be found on the special education website at <http://www.state.tn.us/education/speced/seassessment/>. When the IEP Team determines there is no more information (i.e., observations, curriculum-based assessments, etc.) needed to determine whether the student continues to be eligible for special education, the date of that meeting becomes the new Eligibility Date and an *Eligibility Report* is written. If there is additional information needed in order to determine continued eligibility, the date of eligibility will not be determined until this information is complete, and a new *Eligibility Report* is written.

In the case of transfer students, there are two possible scenarios:

1. students transferring to a school system from within the state
2. students transferring to a school system from out-of-state

In both cases, the student's previous records should be reviewed to determine that all necessary components of the assessment are present. If in-state students' records are complete, the IEP Team does not need to re-write the *Eligibility Report* and can continue with the Eligibility Date on the student's current *Eligibility Report*. When components are missing from in-state transfer records, a *Reevaluation Review* should be made of all information gathered, including the addition of needed components, and culminating in the IEP Team Meeting to determine continued eligibility. The date of this meeting resets the time clock for the three-year reevaluation cycle. Since most states have differing requirements for disability eligibility, this process should be followed for all out-of-state transfer students.

cc: Ann Sanders – Director of Assessment, Information and Research
Steve Sparks – Director of Compliance